

We are aware that applying an international treaty such as the PCT may be difficult because it is not as detailed as is the US laws and regulations, or the MPEP guidelines which are applicable to US application as regarding to the unity of invention.

In our opinion claim 1 (Group I) describes a product “*containing at least one kind of excited isomer nuclides in which at least one said excited isomer nuclide has at least one metastable state being able of deexciting by emitting gamma rays, called hereafter deexcitation gamma rays*”, characterised by the unique property of a variable half life of de-excitation. No document within the state of the art described such a property for a standalone product; hence the property fully characterizes new forms of the excited isomer nuclides.

The class of excited isomer nuclides selected in the preamble of claim 1 always de-excites by emitting gamma rays. Thus we believe that the assertion “Group I does not necessarily emit gamma rays” is incorrect. Moreover, a product having a measured variable half-life of the gamma rays emission requires that gamma rays be emitted.

In our opinion claim 10 (Group II) describes a process where “*one prepares a product comprising of a sample containing at least some nuclei of at least one isomer nuclide having at least one metastable state, by irradiation by means of gamma rays comprising at least some groups of entangled gamma rays, at least some of said groups of entangled gamma rays being of a sufficient energy to excite some of said nuclei of said isomer nuclide to at least one said metastable state*”. It is clear from the specification, and to the one skilled in the art, when considering the specification, that it is most likely that the process allows for the transfer of the entanglement of groups of gamma rays to excited nuclei of the metastable excited isomer nuclide, thus accounting for the property of variable half life of the de-excitation gamma rays of the excited isomer nuclides produced according to the process.

Thus, we believe that the assertion “nor does Group II need to have a variable half life as described in the claims of Group I” is incorrect.

No document within the state of the art describes another process in order to obtain the product of the claims of Group I. When a new product is invented, a process to obtain

such a new product is necessarily described in the specification. One can never rule out that another process could be discovered later on.

Thus we believe that the assertion that "It is unclear to the examiner ... that the product of Group I cannot be made by another method" is not relevant in the sense that should there exist another method in the state of the art, it would endanger the claim validity itself, and should another method be discovered later on, the later method could be patentable if it is not obvious, but would probably be in the dependence of the prior patentee for the product.

Taking into account the specification, the experiments reported, and our arguments it should lead, in this specific instance, to conclude with a high degree of confidence that there is unity of invention according to PCT rule 13.2, and that what constitutes the same or corresponding special technical features is that the product of claim 1 (Group I) can be obtained by the process of claim 10 (group II).

For the above reasons, which we believe distinctly and specifically point out errors, or at least errors of interpretation of PCT rule 13.2, in the restriction requirement, we are making the following **election with traverse**:

- Election of group I (claims 1-9, 12 and 19).

Other claims shall not be considered abandoned matter and may lead to a divisional in accordance with applicable laws and federal rules.

However such proceeding might introduce unnecessary additional burden on both USPTO, which is already serving numerous applications leading to the advancement of sciences and technologies, thus actively participating in the global economic recovery, and on the public with a duplicate specification to consider.

Should the election/restrictions requirement be traversed, the claims would be unchanged. We will consider with care any further objections in relation with the claims, and we are prepared to examine possible remaining issues in whatever ways fit USPTO, even through a conference call or a meeting with the examiner.

ABSTRACT: Unchanged from previous answer dated December 14<sup>th</sup>, 2008.

SPECIFICATION: Amendment comprises the insertion of the matter of the English translation of the original claims from the international application in the specification as the original claims comprises subject matter in support of the current claims. The specification amendment begins on page 6. It is respectfully asked, if allowed by the USPTO practice, to update the specification before applying the election requirement so that, should there be a need to apply for a divisional, the specification be already with the complete matter in order to alleviate future processing.

DRAWING: no amendment.

CLAIMS: Unchanged from previous answer dated December 14<sup>th</sup>, 2008, except for the above election/restrictions, should the election/restrictions requirement be not traversed.

REMARKS: No additional remarks in response to this action

Should we fail to properly pay for the claims or for submitting this answer, we renew our authorization for automatic payment of the required additional fees from the original account used for the application.

We would like to thank you for the processing of this very peculiar application, but we have been confronted with specific measurements in the carried experiments, which have lead us to the subject matter under consideration, whatever may be the current understanding of the scientific community. We hope that you will consider, should our measurements have been interpreted rightfully, the princep contribution of this application and the potential development of other extraordinary applications which could be made available to humanity. We are currently carrying numerous other experiments in many areas of technology in the limited time, which might be left to me considering my advanced age of 85, and for which we have been unable to file additional specifications due to the burden of the current ongoing examinations.

We would like to report to you that US application 10,599,868 [US02] (National phase of International application PCT/EP05/51405 filed on March 28<sup>th</sup>, 2005) has the same

priority date as this application but relies on a different priority specification. Application [US02] is involved with quantum communications using entangled isomer nuclides samples, which we believe is a different application of the entanglement property. Our other applications have later priority dates and are listed for consideration if needed.

We have filed, either with Dr Van Gent, or alone, the following patent filings:

- [US34] US National phase patent application Nr. 11569357 entered on 18.11.2006.
- [US05] US National phase patent application Nr. 12162352 entered on 26.07.2008.
- [US08] US National phase patent application Nr. 12306727 entered on 28.12.2008.

Examination of this invention is ongoing with the following office:

- French patent office: this is the priority application of this application.

We will refer to you any new document of which we may become aware through this examination.

Knowing that the un-filed technologies might be lost if not filed, we hope that you will be able to provide us with an equitable protection of the main aspects of this invention, which may help us in finding supports for all our developments whether already filed, or currently un-filed, thus leading to the advancement of technologies.

Sincerely

[Signed electronically]

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